

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

CYBERFONE SYSTEMS, LLC,

Plaintiff,

v.

CELLCO PARTNERSHIP, et al.,

Defendants.

C.A. No. 1:11-cv-827-SLR

**DEMAND FOR JURY TRIAL**

**PLAINTIFF CYBERFONE SYSTEMS, LLC'S ANSWER TO DEFENDANT  
SAMSUNG TELECOMMUNICATIONS AMERICA, LLC'S COUNTERCLAIMS**

Plaintiff CyberFone Systems, LLC ("CyberFone"), by and through its undersigned counsel, answers the Counterclaims of Defendant Samsung Telecommunications America, LLC ("Samsung") by corresponding paragraph number as follows:

**THE PARTIES**

140. Admitted.

141. Admitted that CyberFone was a Virginia limited liability company at the time it filed the First Amended Complaint. CyberFone is now a Texas limited liability company with a principal place of business at 719 W. Front Street, Suite 242, Tyler, Texas 75702.

**JURISDICTION AND VENUE**

142. CyberFone incorporates the allegations in the First Amended Complaint and its response to paragraphs 140 through 141 of Samsung's counterclaims as if fully set forth herein.

143. CyberFone admits that the Court has jurisdiction over Samsung's counterclaims under 28 U.S.C. §§ 1331, 1338, 1367, 2201, and 2202.

144. Admitted.

### **FACTUAL BACKGROUND**

145. Paragraph 145 of Samsung's counterclaims does not require a response by CyberFone.

146. Denied.

147. Denied.

148. CyberFone admits that there is an actual case or controversy between CyberFone and Samsung over the infringement, validity, and enforceability of the '382 patent, the '676 patent, and the '103 patent. CyberFone denies all remaining allegations in paragraph 148 of Samsung's counterclaims.

### **COUNT ONE**

#### **Declaratory Judgment of Non-Infringement of the '382 Patent**

149. CyberFone incorporates the allegations in its First Amended Complaint and its response to paragraphs 140 through 148 of Samsung's counterclaims as if fully set forth herein.

150. Admitted.

151. Denied.

152. Denied.

153. Denied.

154. CyberFone admits that Samsung purports to seek a judicial declaration that it has not and does not infringe the '382 patent, but denies that Samsung is entitled to any such relief.

### **COUNT TWO**

#### **Declaratory Judgment of Invalidity of the '382 Patent**

155. CyberFone incorporates the allegations in its First Amended Complaint and its response to paragraphs 140 through 154 of Samsung's counterclaims as if fully set forth herein.

156. Admitted.

157. Denied.

158. Denied.

159. CyberFone admits that Samsung purports to seek a judicial declaration that the ‘382 patent is invalid, but denies that Samsung is entitled to any such relief.

### **COUNT THREE**

#### **Declaratory Judgment of Non-Infringement of the ‘676 Patent**

160. CyberFone incorporates the allegations in its First Amended Complaint and its response to paragraphs 140 through 159 of Samsung’s counterclaims as if fully set forth herein.

161. Admitted.

162. Denied.

163. Denied.

164. Denied.

165. CyberFone admits that Samsung purports to seek a judicial declaration that it has not and does not infringe the ‘676 patent, but denies that Samsung is entitled to any such relief.

### **COUNT FOUR**

#### **Declaratory Judgment of Invalidity of the ‘676 Patent**

166. CyberFone incorporates the allegations in its First Amended Complaint and its response to paragraphs 140 through 165 of Samsung’s counterclaims as if fully set forth herein.

167. Admitted.

168. Denied.

169. Denied.

170. CyberFone admits that Samsung purports to seek a judicial declaration that the ‘676 patent is invalid, but denies that Samsung is entitled to any such relief.

**COUNT FIVE**

**Declaratory Judgment of Non-Infringement of the '103 Patent**

171. CyberFone incorporates the allegations in its First Amended Complaint and its response to paragraphs 140 through 170 of Samsung's counterclaims as if fully set forth herein.

172. Admitted.

173. Denied.

174. Denied.

175. Denied.

176. CyberFone admits that Samsung purports to seek a judicial declaration that it has not and does not infringe the '103 patent, but denies that Samsung is entitled to any such relief.

**COUNT SIX**

**Declaratory Judgment of Invalidity of the '103 Patent**

177. CyberFone incorporates the allegations in its First Amended Complaint and its response to paragraphs 140 through 176 of Samsung's counterclaims as if fully set forth herein.

178. Admitted.

179. Denied.

180. Denied.

181. CyberFone admits that Samsung purports to seek a judicial declaration that the '103 patent is invalid, but denies that Samsung is entitled to any such relief.

**DEMAND FOR JURY TRIAL**

CyberFone demands a trial by jury on all issues so triable.

WHEREFORE, CyberFone prays for the following relief with regard to Samsung's counterclaims:

A. A dismissal with prejudice of Samsung's counterclaims;

- B. An adjudication that Samsung is not entitled to any relief on its counterclaims, including, without limitation, any fine or damages; and
- C. Costs and such further relief to which CyberFone is entitled, and which the Court deems just and equitable.

February 10, 2012

BAYARD, P.A.

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